

AUG 17 2006

DISTRICT OF HAWAII

FILED

AUG 15 2006

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

WAYNE BERRY, a Hawaii citizen,

Plaintiff - Appellant,

v.

HAWAIIAN EXPRESS SERVICE, INC.,  
a California corporation; et al.,

Defendants - Appellees.

No. 06-16199

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

D.C. No. CV-03-00385-SOM

District of Hawaii, FILED IN THE  
Honolulu UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

ORDER

AUG 17 2006  
at 1 o'clock and 20 min. P.M.  
SUE BEITIA, CLERK

Appellants' motion to dismiss with prejudice appellees Foodland Supermarket, Ltd., Alix Partners, LLC., Hawaiian Express Service, Inc., Jeffrey P. Graham, Peter Schaul, Jessie Gonzales, Luiz Rodrigues, Al Perez, Patrick Hirayama and Hawaii Transfer Co, Ltd. from No. 06-16199 under Federal Rule of Appellate Procedure 42(b) is granted.

The court is in receipt of joinder of H.E.S. Transportation Services, Inc., California Pacific Consolidators, Inc., Jeffrey P. Graham, Peter Schaul and Patrick Hirayama. Within 14 days after the date of this order, appellant shall move for dismissal of the appeal as to those appellees or show cause why dismissal is unwarranted.

No. 06-16199

The court is in receipt of appellee Hawaii Transfer Company, Limited's response to the above-mentioned appellants' motion to dismiss.

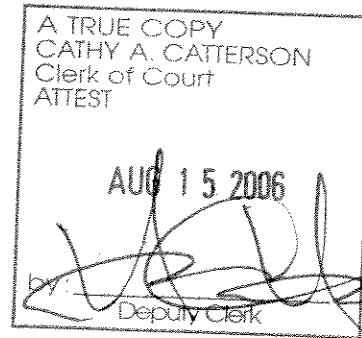
A certified copy of this order shall act as and for the mandate of this court as to the above-named parties only.

For the Court:  
CATHY A. CATTERSON  
Clerk of the Court

Alihandra M. Totor

Alihandra M. Totor  
Deputy Clerk  
Ninth Cir. R. 27-7/Advisory Note to Rule 27  
and Ninth Circuit Rule 27-10

pro 08.07.06



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WAYNE BERRY, a Hawaii citizen  
Plaintiff - Appellant

Timothy J. Hogan, Esq.  
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Lynch Ichida Thompson & Kim  
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v.

HAWAIIAN EXPRESS SERVICE, INC.,  
a California corporation  
Defendant - Appellee

Roy J. Tjioe  
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H.E.S. TRANSPORTATION SERVICES  
INC., a California corporation  
Defendant - Appellee

Roy J. Tjioe  
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Emily Reber Porter, Esq.  
(See above)  
[COR LD NTC ret]

Karen L.S. Gabler, Esq.  
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CALIFORNIA PACIFIC  
CONSOLIDATORS, INC., a  
California corporation  
Defendant - Appellee

Roy J. Tjioe  
(See above)  
[COR LD NTC ret]  
Emily Reber Porter, Esq.  
(See above)  
[COR LD NTC ret]

Karen L.S. Gabler, Esq.  
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JEFFREY P. GRAHAM  
Defendant - Appellee

Roy J. Tjioe  
(See above)  
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PETER SCHAUL  
Defendant - Appellee

Karen L.S. Gabler, Esq.  
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BRIAN CHRISTENSEN  
Defendant - Appellee

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Christopher T. Chun, Esq.  
(See above)  
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FLEMING COMPANIES, INC., an  
Oklahoma Corporation  
Defendant - Appellee

Ann Teranishi  
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[COR LD NTC ret]

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Defendant - Appellee	Suite 2600 [COR LD NTC ret] KOBAYASHI SUGITA & GODA 999 Bishop St Honolulu, HI 96813-3889
ES3 LLC, a Delaware Limited Liability Company Defendant - Appellee	Thomas H.Y.P. Yee, Esq. (See above) [COR LD NTC ret]
MELVIN PONCE, Hawaii citizen Defendant - Appellee	Lyle S. Hosoda, Esq. (See above) [COR LD NTC ret] Christopher T. Chun, Esq. (See above) [COR LD NTC ret]
SONIA PURDY, Hawaii citizen Defendant - Appellee	Lyle S. Hosoda, Esq. (See above) [COR LD NTC ret] Christopher T. Chun, Esq. (See above) [COR LD NTC ret]
JUSTIN FUKUMOTO, Hawaii citizen Defendant - Appellee	Lyle S. Hosoda, Esq. (See above) [COR LD NTC ret] Christopher T. Chun, Esq. (See above) [COR LD NTC ret]
AFREDDA WAIOLAMA, Hawaii citizen Defendant - Appellee	Lyle S. Hosoda, Esq. (See above) [COR LD NTC ret] Christopher T. Chun, Esq. (See above) [COR LD NTC ret]
JACQUELINE RIO, Hawaii citizen Defendant - Appellee	Lyle S. Hosoda, Esq. (See above) [COR LD NTC ret] Christopher T. Chun, Esq. (See above) [COR LD NTC ret]
JESSIE GONZALES, California citizen Defendant - Appellee	No appearance No appearance
LUIZ RODRIGUES, California citizen Defendant - Appellee	No appearance (See above)
AL PEREZ, California citizen	No appearance

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Defendant - Appellee	(See above)
PATRICK HIRAYAMA, California citizen	Emily Reber Porter, Esq. (See above) [COR LD NTC ret]
Defendant - Appellee	
GUIDANCE SOFTWARE, LLC, a California LLC	Margery S Bronster 808/524-5644 [COR LD NTC ret] BRONSTER, CRABTREE & HOSHIBATA 2300 Pauahi Tower 1001 Bishop Street Honolulu, HI 96813
Defendant - Appellee	
MICHAEL GURZI, a California citizen	John Patzakis, Esq. 626/229-9191 [COR LD NTC ret] GUIDANCE SOFTWARE INC. 215 N Marengo Ave Pasadena, CA 91101
Defendant - Appellee	
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Defendant - Appellee	
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C & S LOGISTICS OF HAWAII, LLC,  
 a Delaware LLC  
 Defendant - Appellee

Ann Teranishi  
 (See above)  
 [COR LD NTC ret]

C & S WHOLESALE GROCERS, INC.,  
 a Vermont Corporation  
 Defendant - Appellee

Ann Teranishi  
 (See above)  
 [COR LD NTC ret]

C & S ACQUISITIONS, LLC  
 Defendant - Appellee

Ann Teranishi  
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FOODLAND SUPER MARKET, LTD, a  
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 Defendant - Appellee

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 Defendant - Appellee

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 citizen

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